

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY  
 as Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

Case No. 07-CV-6915 (DLC)  
**ECF CASE**

DORMITORY AUTHORITY – STATE OF NEW YORK,  
 TDX CONSTRUCTION CORP. and KOHN PEDERSEN  
 FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY – STATE OF NEW YORK, et. al,

**AFFIDAVIT OF  
 PRISCILLA MAY**

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC., et. al,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY; et. al,

Fourth-Party Defendants.

STATE OF NEW YORK                    )  
   :ss.:  
 COUNTY OF NEW YORK                )

**PRISCILLA MAY**, being duly sworn, deposes and says:

1. I am an attorney employed by Fourth-Party Defendant Zurich American Insurance Company (“Zurich”) and by Assurance Company of America (“Assurance”) as Claims Counsel, and I am personally responsible for managing the insurance coverage claim that is the

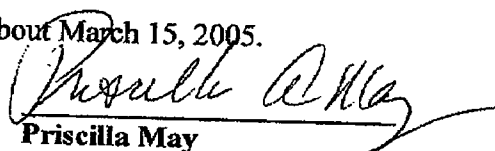
subject of this litigation. This affidavit is based on my review of the documents maintained by Zurich and Assurance in connection with this matter.

2. The document annexed as Exhibit L to the affidavit of S. Dwight Stephens, sworn to August 6, 2008 ("the Stephens affidavit"), is a true and correct copy of the Zurich general liability policy issued to Trataros ("the Trataros Policy").

3. The document annexed as Exhibit N to the Stephens affidavit includes true and correct copies of pages from the general liability and umbrella liability portion of the Assurance insurance policy issued to Bartec Industries, Inc. ("Bartec") ("the Bartec Policy").

4. The documents in Zurich's and Assurance's claim files indicate that the first notice that Zurich and Assurance received of a tender by Trataros Construction, Inc. ("Trataros") and/or Travelers Casualty & Surety Company ("Travelers") on behalf of Trataros of an "occurrence," claim or suit against Trataros under either the Trataros Policy or the Bartec Policy was when Zurich received a copy of the Amended Fourth-Party Complaint in *Travelers Cas. & Sur. Co. v. DASNY, et al.* (04 CV 5101 (HB)).

5. The claim notes document that Zurich and Assurance received the Amended Fourth-Party Complaint at their home office in Schaumburg, Illinois by mail from the New York State Superintendent of Insurance's Office on or about March 15, 2005.

  
Priscilla May

Sworn to before me this  
6<sup>th</sup> day of August, 2008



Notary Public

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